



## **PERIODIC REVIEW**

**Stewart Court Apartments  
Facility Site ID#: 68676891**

**1831 8<sup>th</sup> Avenue,  
Seattle, Washington**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**May 2010**

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## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Stewart Court Apartments (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons, and lead remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
  - 1. Institutional controls or financial assurance are required as part of the cleanup
  - 2. Where the cleanup level is based on a practical quantitation limit
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SUMMARY OF SITE CONDITIONS**

### **2.1 Site Description and History**

The approximately 0.3 acre property is located at 1831 (formerly 1835) 8<sup>th</sup> Avenue, Seattle, King County, Washington (Township 25 North Range 4 East, Section 31). The ground floor also has a business with an address of 1827. The parcel covers approximately 13,447 square feet in a commercial neighborhood. The Site is bounded by Stewart Street on the northwest and Eighth Avenue on the northeast. An alley runs on the southwest side of the property. A commercial high-rise building is located between the alley and Seventh Avenue. The Marshall McClellan Building, which contains commercial offices and retail businesses, is located adjacent to the south.

A gasoline service station historically operated on the property from approximately 1942 to 1964. Excavation of the Site unearthed numerous relic elements of the former gasoline station including four underground storage tanks and associated petroleum product piping, an oil/water separator, and hydraulic lifts. Subsequent to the operation of the gasoline station, the Site was used as a parking lot. There were no records of the underground fuel storage tanks being removed. Prior to the service station, property development is unclear. Site development depicted on an aerial photograph dated 1936 (Giles, 1997) suggests the property may have contained residential dwellings.

The Site is situated in the central business district of Seattle, Washington. It is located approximately one half-mile from Puget Sound. It is situated in the historic Denny Regrade area, where a 62 block area was significantly modified topographically to facilitate expansion of the central business district in the late 1800's and early 1900's. According to the Geology of Seattle, Washington (Galster and Laprade, Bulletin of the Association of Engineering Geologists, 1991), the Site vicinity is underlain by modified land and glacial and non-glacial sediments. The United States Geologic Survey topographic quadrangle, Seattle South, dated 1983, shows that the Site is situated near the head of a north trending valley that slopes downwards to the north. The original surface topography of the Site and vicinity is fairly flat with a slight downward slope to the north. The elevation of the Site, as determined by Bush, Roed and Hutchings, Inc. of Seattle, Washington, ranges from about 106 feet above mean sea level (MSL) on the south side of the Site to about 101 feet above MSL on the south side of the Site. Little published information is available about the hydrogeology of Seattle's central business district. It is well documented that shallow groundwater occurs in deep, perched zones, confined by glacial fill at depth. The observations from deep, on-Site, elevator jackshaft borings indicate that groundwater is perched on the underlying till. The first occurrence of groundwater at the Site is at an elevation of 33 feet MSL, some 68 to 73 feet below surrounding street grade.

The Site was determined to be comprised of approximately 30 feet of fill. The fill consisted of loose to medium dense, fine to medium sands with occasional gravel; stiff, greenish gray silt; and, very stiff to hard, consolidated gray silt. The fill soils contained various amounts of brick, occasional concrete debris, wire, steel pipe, glass and glass bottles. The base of the fill soils was

generally characterized by a layer of silt that contained black ash, blackened and charred dimensional wood, and steel piping. This fill appears to have been placed during the historic Denny Regrade period, whereby much of what is now downtown Seattle was significantly modified from a topographic perspective. Native soils at the Site consist of dense, brown, fine to medium sand, with occasional fine gravels and localized interbedded silt. Two deep elevator jackshaft borings were drilled on the Site via a 60-inch diameter bucket auger. The borings were drilled to construct shafts for hydraulic elevator jacks. Groundwater was encountered within the gray sand at an elevation of approximately 33 feet MSL.

## 2.2 Site Investigations and Sample Results

Petroleum contaminated soils (PCS) were encountered during mass excavation phases of construction for the Stewart Court Apartments building. PCS was also encountered during drilling and installation of soldier piles at several locations around the perimeter of the Site. Specifically, what appeared to be gasoline impacted soils were encountered during drilling of soldier piles P-19, P-21, P-22, and P-23 along the north perimeter as well as P-39 along the east border. Analytical laboratory testing confirmed these observations. Fuel oil and /or heavier petroleum products were encountered during drilling of soldier piles P-7, P-8, P-9, P-10, P-11, and P-12 along the west perimeter of the Site. Seventy-four soil samples served to define the extent of soil contamination. Thirty-six samples characterized the exported PCS, and thirty confirmation samples were collected to document Site cleanup. A total of 140 samples were collected during excavation of the Site.

Two deep elevator jackshaft borings were drilled by the contractor, Condon Johnson (under subcontract to the general contractor, RAFN Construction) during earthwork phases of construction at the Site. The approximately five foot diameter borings were advanced from an approximate elevation of 89 MSL feet to an elevation of minus 24 feet MSL. Drilling of the South Jackhole was also monitored until groundwater was encountered. The borings provided an excellent opportunity to characterize the geologic conditions as well as groundwater occurrence at depth beneath the Site. A total of three soil samples from the two jackhole borings were submitted for analytical laboratory analysis. A single (laboratory analyzed) soil sample was collected from the North Jackhole boring while two (laboratory analyzed) soil samples were collected from the South Jackhole boring. The samples, collected from elevations of 45 feet MSL in the north boring, and 76, and 61 feet MSL, respectively, from the south boring, were each reported as having no hydrocarbons present.

Further assessment of the lateral and vertical extent of soil contamination was accomplished by drilling six soil borings when the parking garage had been excavated to its intended basal elevation. Depths of the six borings ranged from approximately 16<sup>1</sup>/<sub>2</sub> to 27<sup>1</sup>/<sub>2</sub> feet below the bottom of the excavation. A total of twenty-four samples were submitted for analytical testing from the six borings. Gasoline range hydrocarbons were found in only two samples, both from Boring B-1, and both above elevation 58<sup>1</sup>/<sub>2</sub> feet. No petroleum hydrocarbons were detected below elevation 58<sup>1</sup>/<sub>2</sub> feet, to the maximum explored depth of boring B-1, elevation 48 feet MSL. No petroleum hydrocarbons were detected in any of the other five borings.

Groundwater at depth beneath the Site occurs at approximately 40 to 45 feet below the bottom of the excavation, at elevation 33 feet MSL. The sampling results from the drilling exercise successfully demonstrated that the vertical separation between PCS and groundwater at the Site was a minimum of 25<sup>1</sup>/<sub>2</sub> feet. Source removal has eliminated the PCS related to the former gasoline service station on Site, a potential source of groundwater contamination.

## 2.3 Cleanup Actions

Mass excavation of the Site commenced on April 2, 2001. PCS and debris was transported to Lafarge Corporation of Seattle, Washington (Lafarge) for treatment via thermal desorption. The transport of PCS to Lafarge began on April 11, 2001. On May 16, 2001, the disposition of PCS was changed to the Roosevelt Regional Landfill (Rabanco) in Klickitat County, Washington. During mass excavation of the Site, approximately 1485 tons of PCS was exported from the Site for treatment via thermal desorption and recycling while approximately 2750 tons were exported to a Washington State permitted landfill. The total quantity of PCS excavated and transported off-Site for this project was 4234.68 tons. Five separate and distinct areas of PCS were encountered at the Site. These included:

1. The northeast corner of the Site where relic, undocumented underground fuel storage tanks were located;
2. The north side of the Site where a dispenser island was formerly located;
3. The east side of the Site where a dispenser island was formerly located;
4. The central portion of the Site where hydraulic hoists and an oil/water separator were located; and,
5. The northwest side of the Site where lubricating oil was encountered.

Four steel underground storage tanks (USTs), one concrete oil and water separator, and two hydraulic hoists were removed from the Site. Soil samples were collected during mass excavation to document Site conditions. The analytical test results for 27 of 30 confirmation soil samples collected from the base of the excavation, and submitted for analytical testing, did not yield concentrations of gasoline and diesel or heavier than diesel range hydrocarbons that exceed MTCA Method A Cleanup Levels. Sample P-2<sup>1</sup>/<sub>2</sub> P-19 (79 feet MSL) was reported with elevated concentrations of lead (380 milligrams per kilogram [mg/kg]) that exceed the Method A Cleanup Standard of 250 mg/kg. The soil that contained this slightly elevated lead concentration is fill soil at the final grade elevation. Three in place samples were reported with concentrations of gasoline range petroleum hydrocarbons that exceed the applicable MTCA Method A Soil Cleanup Level of 100 parts per million (ppm). These samples, and their corresponding gasoline range total petroleum hydrocarbon (TPH) concentration were as follows:

- Footing B-2 - 67 feet MSL; 250 mg/kg (ppm);
- P-24 P-39 - 73 feet MSL; 14,000 mg/kg (ppm); and,
- P-24 P-40 <sup>1</sup>/<sub>2</sub> - 73 feet MSL; 13,000 mg/kg (ppm).

The soil from which Sample Footing B-2 – 67 feet MSL was collected is now beneath a large, concrete pier-type footing. Samples collected from soil Boring B-1, which was drilled between

Footings B-2 and C-2, indicate that PCS does not extend below approximate elevation 58½ feet. It should be noted that contaminants extending below an approximate elevation of 70 feet only occurs at this single location on Site.

Samples P-24 P-39 - 73 feet MSL and P-24 P-40 V-2 - 73 feet MSL originated from a relatively thin (about 4 inches thick) zone of soil contamination that was exposed in the perimeter footing excavation and the elevator shaft excavation. Sample P-24 P-40 ½ - 71 feet MSL was collected two feet below P-24 P-40 ½ - 73 feet MSL and yielded no detection for gasoline range petroleum hydrocarbons. This suggests that this impaired soil is confined vertically. Soil borings B-2 and B-3 were drilled between the perimeter footing and the elevator shaft footing. Soil samples from these two borings did not yield any detectable gasoline range petroleum hydrocarbons. The soil at the base of this 4 inch thick “lens” was comprised of a higher fines (silt and/or clay) content. This soil appears to have impeded the further downward migration of the gasoline range contaminants at this location. It should be noted that although PCS remains in place within this “lens”, and also beneath the pier footing at the locations referenced above, it appears to be very limited in lateral and vertical extent.

Ecology issued a ‘No Further Action’ (NFA) letter on June 27, 2003 after a restrictive covenant was recorded with the county.

## **2.4 Cleanup Levels**

Selection of cleanup standards for this Site was based upon the release of gasoline and heavier than diesel range petroleum hydrocarbons and metals during operation of the automotive service station. Consequently, Washington State Model Toxics Control Act (MTCA) Cleanup Regulation Method A Soil Cleanup Levels were selected as the target cleanup goals. The point of compliance established for the cleanup is the Site boundary. Soil samples were collected from the vertical limits (bottom) of the excavation to confirm the effectiveness of the soil removal.

The remedial action selected was removal of affected soil, thermal desorption (recycling) and land disposal. Excavation and disposition at a permitted facility is typically the most cost effective method of remediation of a moderate volume of material. Complete source removal generally mitigates long-term liability to the extent practical.

## **2.5 Restrictive Covenant**

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a NFA determination if a Restrictive Covenant was recorded for the property (a property specific NFA determination may be more appropriate – please see the explanation in section 4.0 Conclusions). A Restrictive Covenant was recorded for the Site in 2003 which imposed the following limitations:

Section 1. Portions of the Property contain contaminated soil by Total Petroleum Hydrocarbons (TPH) as gasoline and lubricating oil and are located as follows: TPH as Lube Oil remains at the northwest portion of the property by P21, P22 and P24 (numbered structural pilings as

demonstrated on Figure 17 of the Technical Memorandum, 6 August, 2002) at a depth of 36 to 45 feet below ground surface; TPH as gasoline remains at the eastern portion of the property near P39, P40 and P41 at a depth of 36 feet below grade surface. It is possible also that TPH remains on the western property boundary near P11, P9, P8, P7 at a depth of 5 to 10 feet below grade surface. The Owner shall not alter, modify, or remove the existing structures in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available as Appendix 6.4.



## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the property without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on June 14, 2010, the building (remedy) at the property continues to eliminate exposure to contaminated soils by ingestion and contact. The remedy appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The property is still operating as a residence. A photo log is available as Appendix 6.5.

Soils with TPH and lead concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining on the property is contained and controlled.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

The cleanup at the Site was governed by Chapter 173-340 WAC. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

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Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH- Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

### 3.4 Current and projected Site use

The Site is currently primarily used for residential purposes. There have been no changes in current or projected future Site or resource uses.

### 3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### 3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the property appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met on the property.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.
- Since contamination likely remains outside the property, and the restrictive covenant has no effect outside the property, it may be appropriate to replace the full Site NFA letter with a property specific NFA letter.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the property to assure that the integrity of the remedy is maintained.

### **4.1 Next Review**

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

## 5.0 REFERENCES

1. *Technical Memorandum Response to Ecology File Review Stewart Court Apartments*, Eighth Avenue and Stewart Street, Seattle, WA, dated April 6, 2002, prepared by Zipper Zeman Associates (ZZA);
2. *Final Cleanup Report Vols. 1 through 5, Stewart Court Apartments*, 1835 eighth Avenue, Seattle, WA, dated November 27, 2001, prepared by ZZA;
3. *Draft Cleanup Report Vols. 1 through 5, Stewart Court Apartments*, 1835 Eighth Avenue, Seattle, WA, dated July 25th, 2001, prepared by ZZA;
4. *Foundation Consultation Stewart Court: Southwest Corner of Eighth and Stewart Street*, Seattle, WA, dated August 8, 2000, prepared by ZZA;
5. *Phase One Environmental Site Assessment Tipp Sisters Property*, South Quarter of the Intersection of Stewart Street and Eighth Avenue, Seattle, WA, dated June 20, 1997, prepared by Giles Engineering Associates Incorporation;
6. 2003 Restrictive Covenant;
7. Ecology, 2010, Site Visit.

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## **6.0 APPENDICES**

## 6.1 Vicinity Map

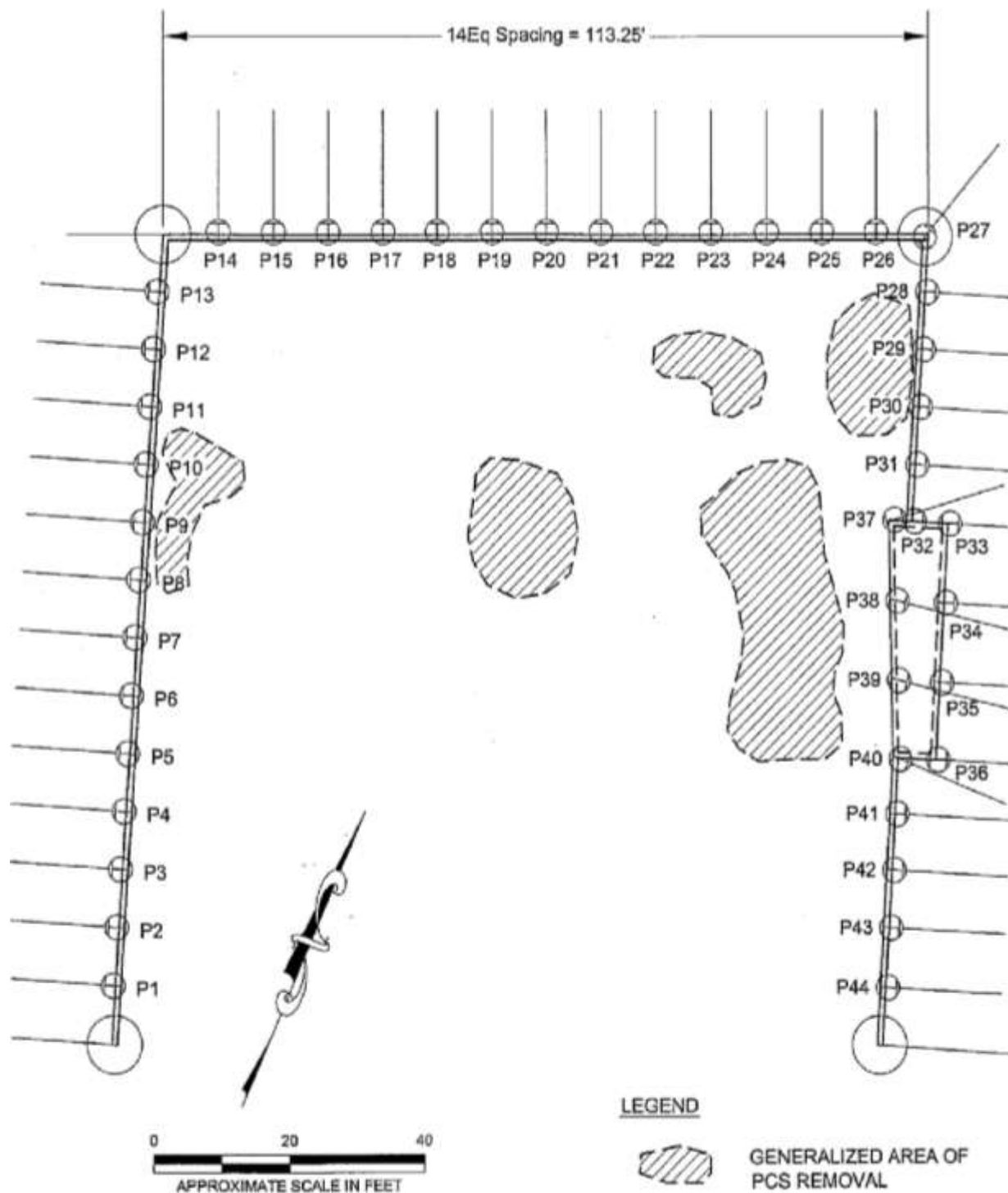


**ZIPPER ZEMAN ASSOCIATES, INC.**  
Geotechnical and Environmental Consulting

Project No. J-711-50  
Date: 6/30/01

Stewart Court Apartments  
1835 8<sup>th</sup> Avenue  
Seattle, Washington

## 6.2 Site Plan

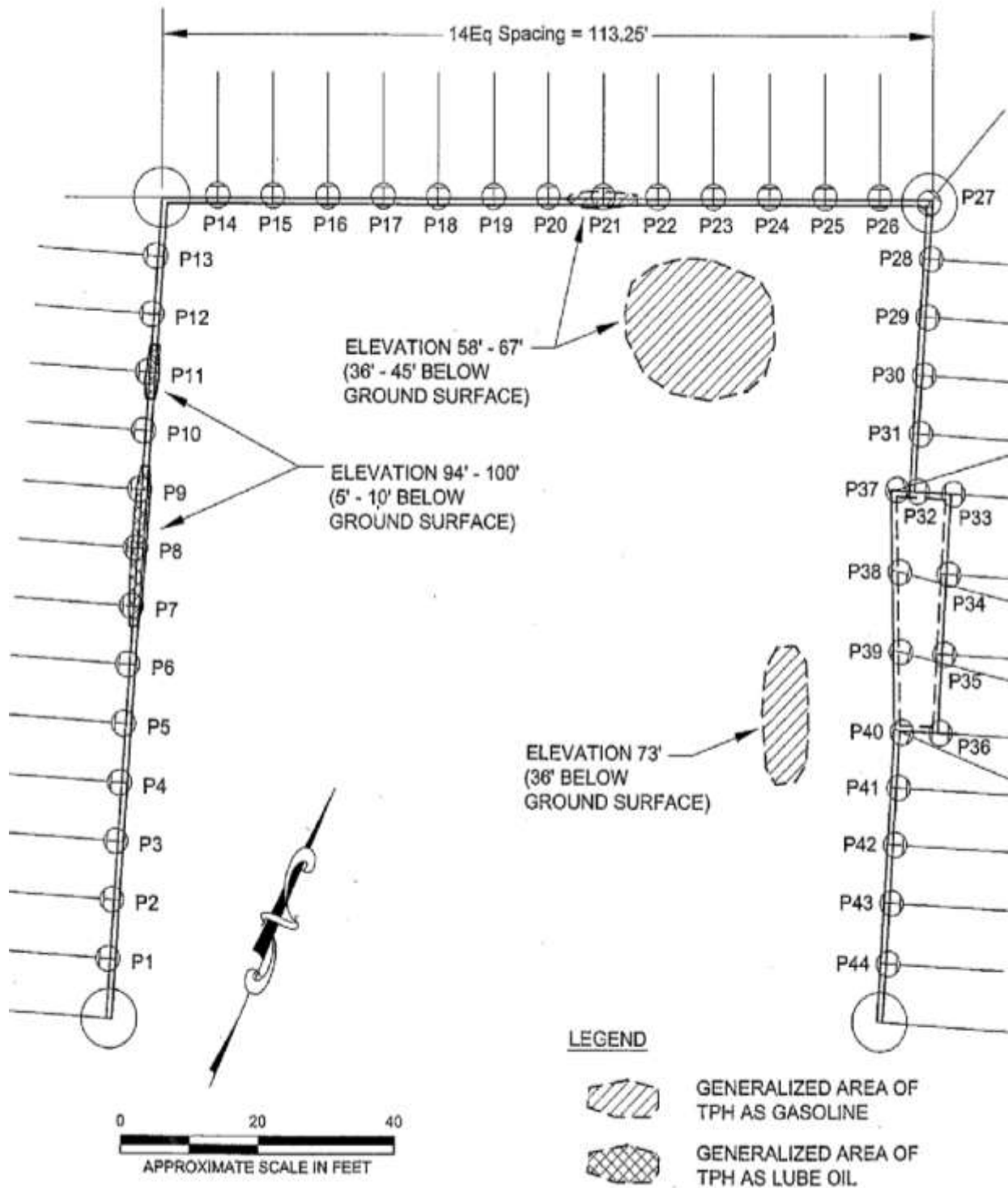


**Zipper Zeman Associates, Inc.**  
Geotechnical and Environmental Consulting

Project No. J-711-50  
Date: July, 2002

STEWART COURT APARTMENTS

### 6.3 TPH Remaining Map



Zipper Zeman Associates, Inc.  
Geotechnical and Environmental Consulting

Project No. J-711-50  
Date: July, 2002

STEWART COURT APARTMENTS  
Figure 17: GENERALIZED AREAS OF TPH



## 6.4 Environmental Covenant

Return Address:  
Housing Resources Group  
1651 Bellevue Avenue  
Seattle, WA 98122



Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 63.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Restrictive Covenant

**Reference Number(s) of Documents assigned or released:**

NA

Additional reference #'s on page \_\_\_\_\_ of document

**Grantor(s)** (Last name, first name, initials)

1. Housing Resources Group

Additional names on page \_\_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

1. Housing Resources Group

Additional names on page \_\_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

Lots 7 and 8, Block 5, Sarah A. Bell's addition to the City of Seattle, Vol. 1 of Plats, page 108, King County, Washington

Additional legal is on page 1 of document.

**Assessor's Property Tax Parcel/Account Number**

065900-02-65

☐ Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

## RESTRICTIVE COVENANT

### HOUSING RESOURCES GROUP STEWART COURT APARTMENTS

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by the Housing Resources Group, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents: 1) Technical Memorandum Response to Ecology File Review Stewart Court Apartments, Eighth Avenue and Stewart Street, Seattle, Washington, dated 6 August 2002 (prepared by ZZA); 2) Final Cleanup Report, Volumes 1 through 5, Stewart Court Apartments, 1835 Eighth Avenue, Seattle, Washington, dated 27 November 2001 (prepared by ZZA); 3) Draft Cleanup Report, Volumes 1 through 5, Stewart Court Apartments, 1835 Eighth Avenue, Seattle, Washington, dated 25 July 2001 (prepared by ZZA); 4) Foundation Consultation, Stewart Court: Southwest Corner of 8<sup>th</sup> and Stewart Street, Seattle, Washington, dated 8 August 2000 (prepared by ZZA); 5) Phase I Environmental Site Assessment, Tipp Sisters Property, South Corner of the Intersection of Stewart Street and Eighth Avenue, Seattle, Washington, dated 20 June 1997 (prepared by Giles Engineering Associates, Inc.). These documents are on file at Ecology's Northwest Regional Office located at 3190 160<sup>th</sup> Avenue S.E., Bellevue, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Total Petroleum Hydrocarbons (TPH) as gasoline and lubricating oil which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-740.

The undersigned, the Housing Resources Group, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

**Lots 7 and 8, Block 5, Sarah A. Bell's addition to the City of Seattle, Vol. 1 of Plats, page 108, King County, Washington; EXCEPT that portion of Lot 7 condemned and taken by the City of Seattle for the widening of Stewart Street; Situate in the County of King, State of Washington**

Tax Parcel I.D. #: 065900-02-65

The Housing Resources Group makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1.

Portions of the Property contain contaminated soil by Total Petroleum Hydrocarbons (TPH) as gasoline and lubricating oil and are located as follows: TPH as Lube Oil remains at the northwest portion of the property by P21, P22 and P24 (numbered structural pilings as demonstrated on Figure 17 of the Technical Memorandum, 6 August, 2002) at a depth of 36 to 45 feet below ground surface; TPH as gasoline remains at the eastern portion of the property near P39, P40 and P41 at a depth of 36 feet below grade surface; It is possible also that TPH remains on the western property boundary near P11, P9, P8, P7 at a depth of 5 to 10 feet below grade surface. The Owner shall not alter, modify, or remove the existing structure[s] in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial

actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

OWNER:

HOUSING RESOURCES GROUP

By: James P. Ferris

Its: Executive Director

Dated: June 10, 2003

STATE OF WASHINGTON)

) ss.

County of King )

I certify that I know or have satisfactory evidence that James P. Ferris is the person who appeared before me, and said person acknowledged that he signed this instrument on oath acknowledged it as the Executive Director of Housing Resources Group to be his free and voluntary act for the uses and purposes mentioned in the instrument.

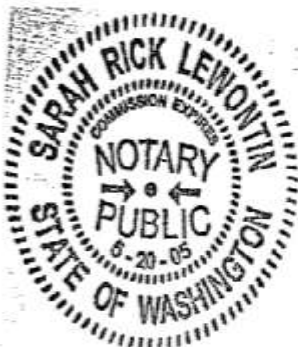
Dated: 10 June 2003

Sarah Rick Lewontin

(signature)

Sarah Rick Lewontin

(print name)



NOTARY PUBLIC In and For the State of Washington

Residing at Seattle, King County

My Commission Expires: 20 May 2005

## 6.5 Photo log

**Photo 1: Apartment building covers areas of contamination remaining – from the east**



**Photo 2: Close-up of entrance with current address**

